

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 18 MAY 2005

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To:

see form PCT/ISA/220

22/9

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/050883

International filing date (day/month/year)
01.03.2005

Priority date (day/month/year)
22.03.2004

International Patent Classification (IPC) or both national classification and IPC
A23L1/237, A23L1/00

Applicant
THE FRESH SALT COMPANY S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050883

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050883

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 Reference is made to the following documents:

- D1 : PATENT ABSTRACTS OF JAPAN vol. 1999, no. 04, 30 April 1999 (1999-04-30) &; JP 11 021122 A (AKOU KAISUI KK), 26 January 1999
- D2 : WO 02/13631 A (UNILEVER N.V; UNILEVER PLC; HINDUSTAN LEVER LTD; NARAYAN, ANANTHA, SUB) 21 February 2002
- D3 : GB 853 316 A (IMPERIAL CHEMICAL INDUSTRIES LIMITED) 2 November 1960
- D4 : US 2 333 873 A (MARTIN CLAIR H) 9 November 1943
- D5 : WO 86/05954 A (SUNPOL CONSULT APS) 23 October 1986
- D6 : US 2 603 566 A (DIAMOND HORACE W) 15 July 1952

2 Novelty and inventive step

2.1 Product claims

The key distinguishing feature for the product claims appears to be the presence of 0.4 to 0.9% magnesium. None of documents D1-D5 discloses salt tablets having that level of magnesium. Thus, the claimed product is new (Art. 33 (2) PCT). Furthermore, none of the cited prior art documents discloses that the addition or presence of that level of magnesium allows to obtain the desired high solubility (see p.5 of the description). In D1, that effect is obtained through the combination of an acid and a carbonate salt additive. In D2, there is no suggestion that magnesium might participate in the solubility. Thus, the claimed product is not rendered obvious by the prior art (Art. 33 (3) PCT).

2.2 Method claims

None of the D1-D5 discloses the sequence of operations listed in independent method claim 5. Thus, the claimed method is new (Art. 33 (2) PCT). However, that sequence by itself would be rather obvious if it had not been found that a suitable product is only obtained when a certain pressure level is selected during tableting (see also the description on p.5). This is not suggested by the prior art, thus the claimed method also involves an inventive step (Art. 33 (3) PCT).

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2005/050883